



General Assembly

February Session, 2004

Raised Bill No.

LCO No. 82

Referred to Committee on

Introduced by:
(GAE)

AN ACT CONCERNING CORRUPT OFFICIALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 4,
2 inclusive, of this act:

3 (1) "Public official" has the same meaning as provided in section 1-
4 79 of the general statutes.

5 (2) "State employee" has the same meaning as provided in section 1-
6 79 of the general statutes.

7 (3) "Crime related to state office or employment" means any of the
8 following criminal offenses committed by a person while serving or
9 employed as a public official or state employee:

10 (A) The committing, aiding or abetting of an embezzlement of
11 public funds from the state or a quasi-public agency;

12 (B) The committing, aiding or abetting of any felonious theft from
13 the state or a quasi-public agency;

14 (C) Bribery in connection with service or employment as a public
15 official or state employee; or

16 (D) The committing of any felony by such person who, wilfully and
17 with the intent to defraud, realizes or obtains, or attempts to realize or
18 obtain, a profit, gain or advantage for himself or herself or for some
19 other person, through the use or attempted use of the power, rights,
20 privileges or duties of his or her position or employment as a public
21 official or state employee.

22 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any
23 provision of the general statutes, if any person is convicted or pleads
24 guilty or nolo contendere to any crime related to state office or
25 employment, the court, as part of the sentence imposed, may revoke or
26 reduce any retirement or other benefit or payment of any kind to
27 which the person is otherwise entitled under the general statutes for
28 service or employment as a public official or state employee.

29 (b) In determining whether the retirement or other benefit or
30 payment shall be revoked or reduced, the court shall consider and
31 make findings on the following factors:

32 (1) The severity of the crime related to state office employment for
33 which the person has been convicted or to which the person has pled
34 guilty or nolo contendere;

35 (2) The amount of monetary loss suffered by the state or by any
36 other person as a result of the crime related to state office or
37 employment;

38 (3) The degree of public trust reposed in the person by virtue of the
39 person's position or employment as a public official or state employee;
40 and

41 (4) Any such other factors as, in the judgment of the court, justice
42 may require.

43 (c) If the court determines that a retirement or other benefit or
44 payment of a person should be revoked or reduced, it may, after
45 taking into consideration the financial needs and resources of any
46 innocent spouse, dependents and designated beneficiaries of the
47 person, order that some or all of the revoked or reduced benefit or
48 payment be paid to any innocent spouse, dependent or beneficiary as
49 justice may require.

50 (d) If the court determines that the retirement or other benefit or
51 payment of a person should not be revoked or reduced, it shall order
52 that the retirement or other benefit or payment be made to the person.

53 Sec. 3. (NEW) (*Effective from passage*) (a) Notwithstanding any
54 provision of the general statutes, if any person is convicted or pleads
55 guilty or nolo contendere to any crime related to state office or
56 employment and the court that imposes the sentence does not make a
57 determination under section 2 of this act concerning the revocation or
58 reduction of a retirement or other benefit or payment that the person is
59 otherwise entitled under the general statutes for service or
60 employment as a public official or state employee, the State Employees
61 Retirement Commission shall initiate a civil action in the Superior
62 Court for the revocation or reduction of any such benefit or payment.
63 The Superior Court shall order the person to appear and show cause as
64 to why any retirement or other benefit or payment to which the person
65 is otherwise entitled under the general statutes should not be withheld
66 pending adjudication of the civil action in the Superior Court.

67 (b) In any civil action under this section for the revocation or
68 reduction of a retirement or other benefit or payment, the Superior
69 Court shall determine:

70 (1) Whether the person has been convicted of or pled guilty or nolo
71 contendere to any crime related to state office or employment and, if
72 so;

73 (2) Whether the retirement or other benefits or payments to which

74 the person is otherwise entitled should be revoked or reduced and, if
75 so;

76 (3) In what amount or by what proportion such revocation or
77 reduction should be ordered.

78 (c) In determining whether the retirement or other benefit or
79 payment shall be revoked or reduced, the court shall consider and
80 make findings on the following factors:

81 (1) The severity of the crime related to state office employment for
82 which the person has been convicted or to which the person has pled
83 guilty or nolo contendere;

84 (2) The amount of monetary loss suffered by the state or by any
85 other person as a result of the crime related to state office or
86 employment;

87 (3) The degree of public trust reposed in the person by virtue of the
88 person's position or employment as a public official or state employee;
89 and

90 (4) Any such other factors as, in the judgment of the Superior Court,
91 justice may require.

92 (d) If the Superior Court determines that the retirement or other
93 benefit or payment of the person should be revoked or reduced, it
94 may, in its discretion and after taking into consideration the financial
95 needs and resources of any innocent spouse, dependents and
96 designated beneficiaries of the person, order that some or all of the
97 revoked or reduced benefit or payment be paid to any innocent
98 spouse, dependent or beneficiary as justice may require.

99 (e) If the Superior Court determines that the retirement or other
100 benefit or payment of the person should not be revoked or reduced, it
101 shall order that the retirement or other benefit or payment be made to
102 the person as if the initiation of the civil action had not occurred.

103 Sec. 4. (NEW) (*Effective from passage*) (a) Any person whose
104 retirement or other benefits or payments are revoked pursuant to
105 section 2 or 3 of this act shall be entitled to a return of his or her
106 contribution paid into the relevant pension fund, without interest.

107 (b) Any person whose retirement or other benefits or payments are
108 reduced pursuant to section 2 or 3 of this act shall be entitled to a pro
109 rata return of a portion of his or her contribution paid into the relevant
110 pension fund in an amount proportionate to the amount of any such
111 reduction, without interest.

112 (c) Notwithstanding the provisions of subsections (a) and (b) of this
113 section, no payments in return of contributions shall be made or
114 ordered unless and until the Superior Court determines that the
115 person whose retirement or other benefits or payments have been
116 revoked or reduced under section 2 or 3 of this act has satisfied in full
117 any judgments or orders rendered by any court of competent
118 jurisdiction for the payment of restitution for losses incurred by any
119 person as a result of the crime related to state office or employment. If
120 the Superior Court determines that the person whose retirement or
121 other benefits or payments have been revoked or reduced under
122 section 2 or 3 of this act has failed to satisfy any outstanding judgment
123 or order of restitution rendered by any court of competent jurisdiction,
124 it may order that any funds otherwise due to the person as a return of
125 contribution, or any portion thereof, be paid in satisfaction of the
126 judgment or order.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>

Statement of Purpose:

To authorize the revocation or reduction of retirement and other benefits and payments to which a current or former state official or

employee is otherwise entitled if the person is convicted or pleads guilty or nolo contendere to a major crime related to his or her state office or employment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]